IN THE COURT OF SPECIAL JUDGE, C.B.I.

AT GREATER BOMBAY

ORDER BELOW APPLICATION EXHIBIT NO. 153

(MISCELLANEOUS APPLICATION NO.1610 OF 2019)

IN

C.B.I. SPECIAL CASE NO. 37 OF 2018

(CNR. NO. MHCC02-006249-2018)

M/s. Cyril Amarchand Mangaldas
A partnership firm having its office
at Peninsula Chambers, Peninsula
Corporate Park, G.K.Marg, Lower
Parel, Mumbai-400 049.
through its Authorised Signatory,
Sharad Mathkar. .. Applicant.

V E R S U S

Central Bureau of Investigation,
BSFB, vide CR.No.RC.01(E)/2018. .. Respondent/
Complainant.

Ld. Advocate Mr. Vivek Menon a/w. Ld. Advocate Vishwanathan I/b. Ld. Advocate Amol Jayant Phoujdar for the Applicant.

Ld. Senior P.P. Mr. Limosin for C.B.I./Respondent.

CORAM: HIS HONOUR SPECIAL JUDGE
SHRI. V.C. BARDE
(Court Room No. 50)
DATE : 30th September, 2019.

O R D E R

1. The applicant-Firm-M/s. Cyril Amarchand Mangaldas has filed this application under Section 451/457 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for defreezing the Current Account of the applicant with Kotak Mahindra Bank, Worli Branch, Mumbai. The applicant contended that it is an eminent law firm working for more

than 100 years having more than 750 Lawyers. C.B.I. has frozen the Current Account of the firm having No.7111959100 with Kotak Mahindra Bank, Worli Branch, Mumbai, under Section 102 of Cr.P.C., by order dated 06.09.2019, in relation to F.I.R. registered by C.B.I. against Nirav Modi and Others having No.RCBSM2018E001. The applicant contended that on or about 24.01.2018, the applicant-firm was legally advising and assisting on a civil banking settlement and advice to Nirav Modi and his firms, which was terminated on 21.02.2018. C.B.I. searched the premises of the applicant on 21.02.2018 and took 32 cartons of material/documents in their custody. The applicant co-operated with C.B.I. The client of the applicant did not take back the documents. The applicant states to have received fees of Rs.2,12,89,035.50ps. as per further application-Exhibit-154. The said amount was deposited in Current Account of the applicant. However, the applicant received E-mail from the Bank on 06.09.2019, regarding freezing of the said account by C.B.I. The applicant offered to deposit the entire amount of Rs.2,12,89,035.50ps. with C.B.I. Therefore, the applicant prayed to lift the freezing order of C.B.I. on such terms as may be directed.

2. C.B.I. filed reply at Exhibit-153A and submitted as per the record of the case alongwith the charge-sheet that the accused Nos.1 to 25 have cheated Punjab National Bank to the tune of Rs.6498.20 Crores. They submitted that the applicant-firm received total sum of Rs.2,12,89,035.50 ps. in its Current Account with Kotak Mahindra Bank, which account was frozen, being the amount of proceeds of crime. They submitted that the amount mentioned as above may be allowed to be frozen and appropriate orders may be passed. In case more amount is revealed to have received by applicant, the applicant

shall be directed to deposit the same by furnishing undertaking.

3. Heard the learned Advocate appearing for the applicant and the learned Senior P.P. for C.B.I. Perused the record of the case.

4. The Current Account No.7111959100 of applicant has been frozen by C.B.I. in crime arising out of this case.

5. C.B.I. in say submits to have frozen a sum of Rs.2,12,89,035.50ps. The learned Advocate for the applicant submitted that the said amount only may be allowed to be frozen from the account. The applicant-firm may be allowed to operate the account other than the said amount. The learned Senior P.P. submitted that C.B.I. has concern with the amount so frozen of Rs.2,12,89,035.50ps. only in the present case. In view of such submissions on record, the amount of Rs.2,12,89,035.50ps. shall only remain as frozen by C.B.I. in this case from the Current Account of applicant, and rest of the amount in its account may be only released by the concerned Bank in favour of the applicant. Hence, I proceed to pass the following order.

O r d e r

1. Application (Exhibit-153) is hereby disposed of with direction that the amount of Rs.2,12,89,035.50ps. lying in the Current Account of the applicant in the Kotak Mahindra Bank, Worli Branch, Mumbai, shall only remain as frozen by C.B.I. in the Current Account No.7111959100, in the name of M/s. Cyril Amarchand Mangaldas.

2. In case any more amount than above is revealed during investigation by C.B.I. in respect of accused-Nirav Modi and Others arrayed in this case which is paid to the applicant, it may be so frozen by C.B.I. as and when it is so found.

3. The learned Advocate for the applicant submitted to grant liberty to file fresh application for depositing the frozen amount of Rs.2,12,89,035.50ps. in a Nationalized Bank in Fixed Deposit. Liberty is granted to file such application.

4. This application shall be registered as Miscellaneous Application for statistical purpose.

5. Parties to inform the Bank accordingly.

Date : 30.09.2019

(V. C. BARDE)
C.B.I. Special Judge
City Civil & Sessions Court,
Gr. Bombay.

Dictated on : 30.09.2019
Typed on : 30.09.2019
Signed by HHJ : 30.09.2019

" CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER."

01.10.2019/1.43 p.m. **Mrs. Pradnya S. Naik**
UPLOAD DATE AND TIME **NAME OF STENOGRAPHER (S.G.)**

Name of the Judge (with Court Room No.)	**Shri. V.C. BARDE (CR.No.50)**
Date of Pronouncement of JUDGEMENT/ORDER	**30.09.2019**
JUDGEMENT/ORDER signed by P.O. on	**30.09.2019**
JUDGEMENT/ORDER uploaded on	**01.10.2019**